

BEFORE THE
STATE BOARD OF PHARMACY
STATE OF MISSOURI

MISSOURI BOARD OF PHARMACY,)	
)	
Petitioner,)	
)	
v.)	Case No. 2007-001369-F1
)	
MARK P. TYLER, R.Ph.)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER OF DISCIPLINE**

This matter appears before the Missouri Board of Pharmacy pursuant to a Felony Conviction Complaint regarding Mark P. Tyler, R.Ph, Respondent.

Findings of Fact

1. The Board set this matter for hearing and served notice of the disciplinary hearing upon Tyler.
2. Pursuant to notice and Section 621.110, RSMo, this Board held a hearing on February 6, 2008, at the Courtyard by Marriott, 3301 LeMone Industrial Boulevard, Columbia, Missouri, for the purpose of determining the appropriate disciplinary action against the pharmacist license of Tyler. Tyler appeared in person. The Board was represented by assistant attorney generals Jennifer Garner and Rex Fennessey.
3. All Board members were present throughout the felony disciplinary hearing.
4. The Missouri Board of Pharmacy ("Board") is an agency of the state of Missouri created and established pursuant to Section 338.110, RSMo 2004, for the purpose of executing and enforcing the provisions of Chapter 338, RSMo.

5. Tyler was licensed by the Board, License No. 044592, which license was current and active throughout the period. The Board placed Mr. Tyler's license on probation from September 20, 2001, through September 19, 2004, for diversion of drugs from his place of employment. See transcript pages 10 and 11.

6. On or about August 16, 2007, Tyler pled guilty to stealing a controlled substance in violation of Section 570.030.3(3)(k), a class C felony. See transcript pages 15 and 20, and exhibit 4.

7. Pursuant to 338.065, RSMo, the Missouri Board of Pharmacy set this matter for hearing and served notice of a disciplinary hearing upon Respondent in a proper and timely fashion.

8. Petitioner and Respondent submitted Exhibits 1-5 and A and B, all of which were admitted into evidence and the Board considered each exhibit in reaching the decision reflected in this Order.

9. The Board finds that the crime to which Tyler pled guilty in a criminal case is an offense reasonably related to the qualifications, functions or duties of a pharmacist and that this felony offense has an essential element of which is fraud, dishonesty or involves moral turpitude.

Conclusions of Law

10. This Board has jurisdiction over this proceeding pursuant to 338.065, RSMo.

11. Respondent's license is subject to discipline by this Board pursuant to 338.065, RSMo.

12. Upon examination of the evidence presented, the Missouri Board of Pharmacy concludes that Tyler pled guilty in a criminal case to an offense reasonably related to the qualifications, functions or duties of a pharmacist and that this felony offense has an essential element of which is fraud, dishonesty or involves moral turpitude.

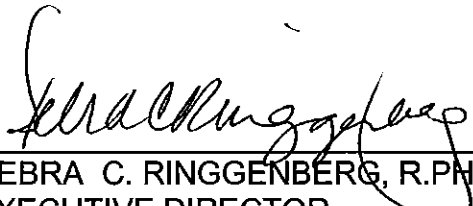
Order

IT IS HEREBY ORDERED by the Missouri Board of Pharmacy that the pharmacist license issued to Mark P. Tyler, numbered 044592, shall be REVOKED. Respondent may not apply for reinstatement of his license for seven (7) years from the date of this Order. Such application for reinstatement shall comply with the provisions of Section 338.067, RSMo. Respondent shall return all indicia of licensure, including the 5" X 7" computer-generated license, wallet card, and original wall-hanging certificate, to the Missouri Board of Pharmacy within ten (10) days of the date this Order is entered.

The Missouri Board of Pharmacy will maintain this Order as an open record of the Board as provided in Chapters 338, 610, 620, RSMo.

ENTERED THIS 11th DAY OF MARCH, 2008

(BOARD SEAL)


DEBRA C. RINGGENBERG, R.Ph.
EXECUTIVE DIRECTOR
MISSOURI BOARD OF PHARMACY